

REMARKS

Through the above amendment, Applicant more precisely defines the claimed bag slitting apparatus as including first and second arms that are biased. Support for this recitation is found in the drawing figures, and particularly Figures 2 and 4.

The Office Action rejected Claims 1 and 6 under 35 U.S.C. 102(b) as being anticipated by Chen (U.S. Patent No. Des. 276,786), and Claims 2-5 under 35 U.S.C. 103(a) as being unpatentable over Chen (supra) in view of Gilman (U.S. Patent No. 4,581,823). These grounds of rejection are respectfully traversed.

Chen, a design patent with no specific text beyond an identification of the inventive device accompanying four drawing figures, shows a plastic bag opener having two opposing arms wherein the distal end of one arm has an apparent sharp projection (Figure 1) while the distal end of the opposing arm has a laterally-walled hole in a convex-shaped floor (Figure 3) for receiving the projection. Gilman is cited for teaching a letter opener of one-piece construction.

As amended, Applicant's claimed bag slitting apparatus includes first and second arms which are biased and in tensioned movable opposed relationship to each other such that the first and second inner surfaces are movably positionable against each other. As can best be seen in Figures 2 and 4, due to the biasing of the first and second arms, the inner surfaces of the first and second arms 16, 22 are sufficiently spaced so that a bag can easily be placed between the first and second inner surfaces. In contrast, the arms of the apparatus shown in Chen are in close proximity to one another (see, for example, Figure 1) such that it would be difficult to place a bag between the inner surfaces. It may be possible to spread the arms of the Chen apparatus in order to place the bag between the inner surfaces. However, this poses safety concerns, particularly in that the user may be cut by the

blade, and/or the user may contaminate the apparatus by touching at or near the surface of the blade.

In Applicant's claimed invention, one of the inner surfaces is a bladed inner surface having projecting therefrom a bag cutting blade with a distal blade tip and wherein the other of said inner surfaces has a transverse laterally-open concave groove there across for receiving therein the blade tip and a continuously moving bag edge. Chen does not show an inner surface having a transverse laterally-open concave groove there across for receiving therein the blade tip and a continuously moving bag edge. As shown in Figure 3, Chen includes a laterally-walled hole in a convex-shaped floor. Thus, the instant second inner surface with its laterally-open groove permits continuous passage and slitting of a bag edge. On the contrary, the Chen apparatus, whose comparable second inner surface has a non-laterally-open walled hole for receiving the sharp projection, would appear to function like a punch, whether of one-piece (Gilman) or multiple-piece construction, and consequently would not allow continuous movement for slitting of a bag edge.

Additionally, the first and second outer surfaces of Applicant's claimed bag slitting apparatus are concavely contoured for simultaneous opposing receipt of a finger and thumb of a user. The Office Action states that Figure 2 of Chen discloses concavely contoured outer surfaces. Applicant respectfully disagrees. It is not clear from the figures whether the outer surfaces are concavely contoured. However, it is clear that the device shown in Chen does not include a "first and second outer surfaces [which] are concavely contoured for simultaneous opposing receipt of a finger and thumb of a user" as claimed in Claim 1 of the present application.

As described above, the cited references do not show or suggest a number of elements of Applicant's claimed invention. For example, the cited references do not disclose or suggest a bag slitting apparatus that includes first and second arms which are biased and in tensioned movable

opposed relationship to each other such that the first and second inner surfaces are movably positionable against each other wherein one of the inner surfaces is a bladed inner surface having projecting therefrom a bag cutting blade with a distal blade tip and wherein the other of said inner surfaces has a transverse laterally-open concave groove there across for receiving therein the blade tip and a continuously moving bag edge. Furthermore, the cited and applied references do not disclose a bag slitting apparatus having first and second outer surfaces that are concavely contoured for simultaneous opposing receipt of a finger and thumb of a user. Thus, Applicant believes that Chen, either alone or in combination with Gilman, does not anticipate, suggest, or make obvious the instantly claimed invention, and respectfully requests reconsideration and withdrawal of the grounds of rejection.

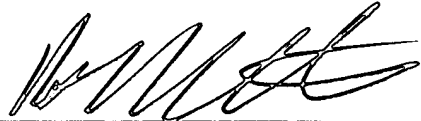
In view of the above amendment and discussion, it is Applicant's belief that the application is in condition for allowance, and such action is respectfully requested.

Attached hereto is a marked-up version of the changes made in the claim by the current amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

Respectfully submitted,

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